



# **ASIAN AMERICAN ACCESS TO DEMOCRACY IN THE 2014 ELECTIONS**

**Local compliance with the Voting Rights Act  
and the Help America Vote Act in  
GA, LA, MA, MD, MI, NJ, NV, NY, PA, TX, VA and DC**

**A REPORT OF THE ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND**

Founded in 1974, the Asian American Legal Defense and Education Fund (AALDEF) is a national organization that protects and promotes the civil rights of Asian Americans. By combining litigation, advocacy, education, and organizing, AALDEF works with Asian American communities across the country to secure human rights for all.

AALDEF focuses on critical issues affecting Asian Americans, including immigrant rights, civic participation and voting rights, economic justice for workers, language access to services, affirmative action, educational equity, housing and environmental justice, and the elimination of anti-Asian violence, police misconduct, and human trafficking.

This report was written by AALDEF Legal Fellow Jasmine Jin and staff attorney Jerry Vattamala, with the assistance of Democracy Program Director Glenn D. Magpantay and Executive Director Margaret Fung. AALDEF also acknowledges Voting Rights Organizer Judy Lei and Policy Analysts Nancy Yu and Ran Ren, as well as Legal Fellow Min Heo and legal intern Clara Lam, for their work.

AALDEF thanks the many volunteer attorneys, law students, interns, and members of the co-sponsoring organizations for their assistance in monitoring the elections.

This report was made possible with the generous support of the Ford Foundation.

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## EXECUTIVE SUMMARY

Since the Supreme Court struck down the preclearance coverage formula in Section 4(b) of the federal Voting Rights Act in *Shelby County, Alabama v. Holder* on June 25, 2013,<sup>1</sup> Congress has yet to enact a new coverage formula. Without a valid coverage formula, no jurisdictions are currently required to have any voting law changes precleared under Section 5 and, as a result, several states have implemented voting law changes – including voter identification requirements—that had previously been denied preclearance under Section 5. Texas, for example, announced soon after the *Shelby* decision that it would begin enforcing a strict voter ID law that the D.C. Circuit Court had found, in a unanimous three-judge opinion, would almost certainly have a retrogressive effect on the poor and racial minorities.”<sup>2</sup> Some states, such as Virginia, had not implemented their photo ID law in 2012 and were rolling it out for the 2014 midterm elections. It was amid this climate of mounting legal barriers to voting that Asian American and other voters ventured to the polls in November 2014.

Asian Americans are now the nation’s fastest growing minority group, numbering more than 18 million.<sup>3</sup> Though Asian Americans seek to participate in the electoral franchise, their participation is sometimes met with resistance. Asian Americans have had to overcome many barriers in order to exercise their right to vote in 2014, with most issues revolving around language access at poll sites.

For over 25 years, the Asian American Legal Defense and Education Fund (AALDEF) has monitored elections for anti-Asian voter disenfranchisement, compliance with the federal Voting Rights Act’s language assistance provisions (Section 203) and non-discrimination protections (Section 2), and implementation of the Help America Vote Act (HAVA). Section 203 requires Asian-language ballots and interpreters in covered jurisdictions. HAVA requires voting signs and provisional ballots for voters who may otherwise be prevented from voting, with identification of certain first-time voters. Since 1985, AALDEF has successfully persuaded several jurisdictions to voluntarily provide language assistance to voters.

This report reviews our observations from surveying 4,102 Asian American voters in 11 Asian languages<sup>4</sup> at 64 poll sites in 38 cities in 11 states—Georgia, Louisiana, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New York, Pennsylvania, Texas, Virginia – and Washington, DC about their voting encounters. More than 580 volunteer attorneys, law students, and community volunteers conducted the exit poll. We also monitored 91 poll sites in fourteen cities in four states, New York, New Jersey, Massachusetts, and Virginia, during the 2014 General Election on November 4, 2014. Thirty-two volunteer attorneys inspected the poll sites for mandatory language assistance and required postings under HAVA. We observed first-hand a number of problems and also received complaints from Asian American voters, interpreters, and other poll workers.

AALDEF monitors received more than **340 complaints** of voting problems. Asian American voters were unlawfully required to prove their U.S. citizenship, provide identification to vote, mistreated by hostile or poorly trained poll workers, were denied Asian-language assistance, and had their names missing from or misspelled in the poll books. Asian American voters also faced long lines, machine breakdowns, misdirection to poll sites, and inadequate notification of poll site assignments or changes.

Although local election officials sought to comply with federal laws and provide assistance to voters, we found the following significant violations:

- **Philadelphia, PA**

Philadelphia's Fair Practices Ordinance requires the city to provide language assistance for limited English proficient ("LEP") voters, including Chinese- and Vietnamese-speaking voters. To date, the city has not complied, and AALDEF has filed a complaint to enforce the ordinance in the city's Human Relations Commission. In the 2014 Election, there was no language assistance for LEP Vietnamese American voters, which exacerbated problems with poll site misdirection and ballot confusion. One LEP voter reported to AALDEF that a poll worker followed him into the voting booth, pressed a button for governor without consulting the voter, and then left after instructing the voter to press "Yes" on all the ballot initiatives. Asian American voters were also turned away from poll sites because their names were not on the voter rolls and poll workers did not provide them with the option of voting by provisional ballot.

Language assistance for Chinese-American voters was inadequate, with an interpreter who spoke poor Cantonese unable to effectively assist the largely Cantonese-speaking community in Chinatown. One voter was instructed to press "1" when she asked for the Democratic candidate, only to discover afterward that "1" was the Republican candidate.

- **Detroit, MI**

A lack of language assistance at a poll site in Detroit with high volumes of newly-naturalized, LEP Bangladeshi American voters resulted in widespread confusion and very long lines. One voter spent over four hours attempting to cast his vote but ultimately left without voting. LEP voters did not understand the ballot, and many inadvertently voted for the incumbent candidate because they mistakenly understood the question as asking who the "current" governor is. Voters who spoiled their ballots by marking too many choices were then given provisional ballots instead of a new ballot, as required by Section 740 of Michigan Election Law.

- **Bergen County, NJ**

In Norwood, NJ, located in Bergen County, which is covered under Section 203 for Korean language assistance, Korean American voters reported that the electronic ballots inside the voting booths were not translated into Korean. As such, many Korean voters were confused, particularly by the complex public issues on the ballot. One voter said that she was only able to vote for one candidate with confidence because she remembered him from her translated sample ballot and was unable to vote for any of the other offices or issues because she could not read the ballot.

- **New York, NY**

Poll workers at many different poll sites were unable to explain to voters why certain candidates, such as Governor Cuomo, were listed multiple times on the ballot (because of multiple party endorsements) and how to correctly mark their choices. As a result, many voters ended up spoiling their ballots. Some voters spoiled their ballots multiple times and ended up leaving the poll sites without voting.

There was a high level of demonstrated need for Bengali language assistance in Kings County, Brooklyn. AALDEF has requested voluntary language assistance in Brooklyn and the Bronx for Bengali-speaking voters for over a year, but the city has so far refused to provide any.

- **Austin, TX**

Many LEP voters were denied the right to private assistance inside the voting booth by a person of their choice because of a state law that provides that "interpreters" must be a person who is registered to vote in that district. As such, many voters who needed interpretive assistance provided by friends or family who were not registered voters in the same district were denied their right to assistance under Section 208 of the VRA and forced to vote without such assistance.

Vigorous enforcement of voting rights laws as well as concerted effort by local election officials can remedy many of these problems. AALDEF's recommendations to ensure and expand access to the vote are listed at the end of this report.

## I. INTRODUCTION

### A. Legal Background

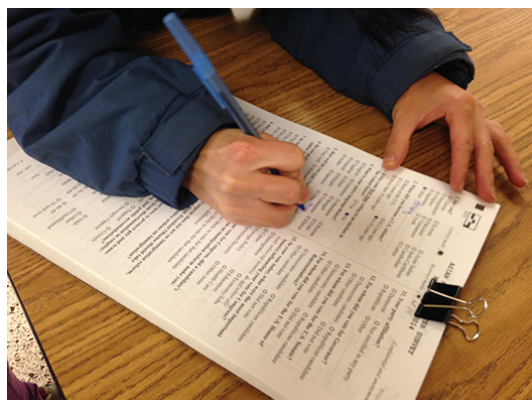
#### 1. The Voting Rights Act

Voting is a fundamental constitutional right.<sup>5</sup> Equal access and the opportunity to vote are the first steps towards safeguarding the fundamental right to vote.

In the early 1970s, Congress found that limited English proficiency was a serious barrier to the political participation of Asian Americans, Latinos, Alaskan Natives, and Native Americans. Asian American citizens were registered to vote at much lower rates than non-Hispanic whites.<sup>6</sup> As a result, Congress adopted the language assistance provisions of the Voting Rights Act in 1975, and reauthorized them in 2006.<sup>7</sup> In enacting these provisions, Congress found that:

[T]hrough the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process. Among other factors, the denial of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational opportunities afforded them resulting in high illiteracy and low voting participation.<sup>8</sup>

The provisions, codified at Section 203, mandate bilingual ballots and oral language assistance at voting booths and poll sites in certain jurisdictions with large populations of LEP voting-age citizens. Section 203 has helped more than 700,000 Asian Americans, particularly first-time voters, fully exercise their right to vote.<sup>9</sup>



Section 203 covers counties when the census finds 5% or more than 10,000 voting-age (over 18 years old) citizens who speak the same Asian, Hispanic, or Native American language have limited English proficiency, and, as a group, have a higher illiteracy rate than the national illiteracy rate.<sup>10</sup>

As a result of the 2010 Census, more jurisdictions are now required to provide Chinese, Filipino, and Vietnamese language assistance. For the first time, Chinese is required in Massachusetts; Korean in Bergen County, NJ; and South Asian languages in 4 jurisdictions: Cook County, IL; Hamtramck, MI; Los Angeles, CA; and Queens County, NY. Twenty-two cities or counties in 11 states are now required to provide Asian American voters with translated voter registration forms, bilingual ballots and voting materials, and interpreters. Eight Asian language groups are covered.<sup>11</sup>

Another provision of the Voting Rights Act, Section 208, guarantees that LEP voters may obtain assistance by persons of their choice.<sup>12</sup> These individuals may be friends, relatives, or official election interpreters, but not the voters' employers or union representatives, and they may also accompany the voters inside the voting booth.

Section 2 of the Voting Rights Act guards against minority voter discrimination.<sup>13</sup> Asian American voters who were subjected to discrimination in voting can seek remedies that may include language assistance. The U.S. Department of Justice (DOJ) has brought lawsuits under Section 2 involving Asian Americans in which it sought translated voting materials and interpreters to ameliorate the harms that were perpetuated.<sup>14</sup>

Finally, Section 5 of the Voting Rights Act or the “preclearance provision” is intended to stop voter discrimination *before* it occurs. Under Section 5, states and counties with a history of racial and ethnic discrimination, determined by a coverage formula, must have the DOJ or the Washington DC federal court review any changes to voting rules and practices to make sure the proposed changes do not reduce the ability of minority voters to participate in the electoral franchise.<sup>15</sup>

On June 25, 2013, the Supreme Court ruled in *Shelby County, Alabama v. Holder* that the preclearance coverage formula in Section 4(b) was unconstitutional.<sup>16</sup> Without a valid coverage formula, no jurisdictions are currently required to have any of their voting changes precleared under Section 5. The Court did not strike down Section 5, but without Section 4(b), no jurisdiction will be subject to Section 5 preclearance until Congress enacts a new coverage formula.<sup>17</sup>

## 2. The Help America Vote Act

Following the presidential election debacle in Florida in 2000, former Presidents Gerald Ford and Jimmy Carter co-chaired the National Commission on Federal Election Reform. The Commission’s report, *To Assure Pride and Confidence in the Electoral Process* (August 2001), laid the basis and findings for the Help America Vote Act (HAVA), which Congress enacted in December 2002.

HAVA provides voters with new rights, mandates a series of changes in how states conduct elections, and provides federal funds to update voting systems and expand access to the vote. HAVA provides all voters with the opportunity to cast provisional ballots and make voting information more accessible by providing sample ballots, instructions on how to vote, and information about voters’ rights.<sup>18</sup>

HAVA mandates that certain new voters provide identification in order to vote.<sup>19</sup> Identification is required of first-time voters who register by mail.

HAVA also provides federal money to help states improve election administration. These funds may be used to improve accessibility to the vote and poll sites for “individuals with limited proficiency in the English language.”<sup>20</sup> States have broad discretion to use the money for language assistance or for other purposes, such as purchasing new voting machines or developing the statewide voter databases required under HAVA.

## 3. The National Voter Registration Act

The National Voter Registration Act (NVRA) established a national form for voter registration, with a clear provision that no additional requirements may be imposed by the states.<sup>21</sup> The federal voter registration form is particularly beneficial to Asian Americans because it is translated into Asian languages. In states that do not translate their state voter registration forms, voters may use the federal form, which is translated into Chinese, Korean, Vietnamese, and Tagalog.

## B. AALDEF Voting Rights Program

AALDEF's voting rights program includes enforcement of the Voting Rights Act, fair redistricting that gives Asian Americans meaningful representation, advocacy for minority language assistance, elimination of voting barriers, and expanded access to the vote.

### 1. History

The Asian American Legal Defense and Education Fund has monitored elections since the 1980s and over the years has won many victories for Asian American voters.

In 1985, AALDEF negotiated an agreement with the New York City Board of Elections to provide Chinese language assistance at poll sites.

In 1988, AALDEF conducted a nonpartisan bilingual exit poll in New York's Chinatown to assess the use and effectiveness of voluntary language assistance.

In 1992, AALDEF was the only Asian American group invited to testify before the U.S. House Judiciary Committee on expanding the language assistance provisions of the Voting Rights Act.<sup>22</sup> As a result, ten counties in New York, California, and Hawai'i were newly covered for Asian language assistance under Section 203.

In 1994, AALDEF secured the first fully-translated Chinese-language machine ballots in New York City, after an earlier Chinese language assistance plan was denied preclearance by DOJ.

In 1996, AALDEF expanded its poll monitoring in New York City to include more Asian ethnic groups, such as South Asian Americans.



In 2000, AALDEF's exit poll covered 14 poll sites surveying 5,000 Asian Americans in New York City.

In 2002, AALDEF's exit poll was expanded to four states, New York, New Jersey, Massachusetts, and Michigan, surveying 3,500 voters in the Congressional Midterm Elections. In Michigan, AALDEF monitored a consent decree between DOJ and the City of Hamtramck to remedy past voting discrimination.

In 2004, AALDEF monitored the Presidential Election in 23 cities in 8 states. Over 1,200 volunteer attorneys, law students, and community volunteers monitored almost 200

poll sites, and surveyed 10,789 Asian American voters, in 23 Asian languages and dialects, at 87 poll sites.<sup>23</sup>

In 2005 and 2006, using findings from past poll monitoring efforts, AALDEF joined or initiated lawsuits against Boston and New York City, respectively, for compliance with the Voting Rights Act.

In 2006, AALDEF testified before the U.S. Senate Judiciary Committee in support of reauthorizing the language assistance provisions of the Voting Rights Act.<sup>24</sup> AALDEF's

comprehensive report, which found that Asian American voters continued to face racial discrimination, harassment, and institutional barriers in the electoral process, was included in the Congressional Record.

In 2008, AALDEF covered a total of 229 poll sites<sup>25</sup> in 52 cities in 11 states. Our exit poll surveyed 16,665 Asian American voters in 11 Asian languages and dialects<sup>26</sup> about their experiences in voting at 113 poll sites. Volunteer attorneys also inspected 137 poll sites in New York City and Boston that were specifically targeted for language assistance under the Voting Rights Act, and in Northern Virginia, Northern New Jersey, and Eastern Pennsylvania for voting signs required under HAVA. Over 1,500 volunteer attorneys, law students, and members of the co-sponsoring organizations observed first-hand a number of problems and received more than 800 complaints from Asian American voters, interpreters, and poll workers.<sup>27</sup>

In 2009, AALDEF polled over 2,000 Asian American voters in Manhattan, Queens, and Brooklyn in New York City's municipal elections for Mayor, City Council and other local races. AALDEF conducted the exit poll at 13 poll sites in six languages: English, Chinese, Korean, Bengali, Punjabi, and Urdu. AALDEF also dispatched 150 attorneys, law students, and community volunteers to 50 poll sites to monitor the voting process. AALDEF urged the Department of Justice to investigate violations of the Voting Rights Act against Asian American voters and volunteers who were racially targeted and harassed in a Queens city council race between Kevin Kim, a Korean American candidate, and his white opponent, Dan Halloran.<sup>28</sup>

In 2010, AALDEF conducted a five-state multilingual exit poll of over 3,500 Asian American voters in collaboration with 30 national and local community groups. The 2010 exit poll was conducted in five states with large Asian American populations: New York, Massachusetts, Pennsylvania, Texas and Georgia. The exit poll was conducted at 34 poll sites in 8 languages and dialects: Chinese, Korean, Vietnamese, Khmer, Bengali, Punjabi, Urdu, and Gujarati. AALDEF also monitored almost 50 poll sites for compliance with the Voting Rights Act and HAVA. Volunteer attorneys checked the provision of Asian-language ballots, interpreters, signs, and voting materials, which are required in certain districts; improper requests for voter identification, and whether provisional ballots were offered to Asian Americans whose names did not appear on voter lists.

In 2011, AALDEF dispatched attorneys, law students, and community volunteers to monitor and document voting barriers faced by Asian American voters in poll sites in Massachusetts, including Boston, Quincy, and Dorchester. AALDEF also conducted a nonpartisan exit poll in Chinese and English on Asian American voting preferences in Boston and Philadelphia. Both Boston and Philadelphia had Asian American candidates running for city council in the municipal elections.<sup>29</sup>

In 2012, AALDEF covered a total of 81 poll sites<sup>30</sup> in 38 cities in 14 states. The exit poll surveyed 9,096 Asian American voters about their voting experiences in 11 Asian languages and dialects.<sup>31</sup> Volunteer attorneys inspected 46 poll sites in New York City, New Jersey, and Massachusetts for compliance with Section 203 of the Voting Rights Act and HAVA. AALDEF observed segregated voting lines in Annandale, VA, for Korean-American voters. After lodging a complaint with the Fairfax County Board of Elections, the Board agreed to provide voluntary Korean language assistance.

In 2013, AALDEF conducted nonpartisan multilingual exit polls at 24 poll sites in the mayoral election in New York City and the gubernatorial elections in New Jersey and Virginia. We documented numerous violations of the VRA and HAVA, including inadequate language assistance, mistranslated ballot propositions, racist poll worker behavior, and improper demands for identification.



## 2. Asian American Election Protection 2014

On November 4, 2014, AALDEF covered a total of 147 poll sites in 38 cities in 11 states—Georgia, Louisiana, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New York, Pennsylvania, Texas, Virginia—and Washington, DC.

AALDEF surveyed 4,102 Asian American voters, in 13 Asian languages and dialects, about their experiences in voting at 64 poll sites. Volunteer attorneys inspected 91 poll sites in New York City, New Jersey Virginia, Maryland, and Washington, DC that were specifically targeted for language assistance under the Voting Rights Act and for voting signs required under HAVA.

In total, 584 volunteer attorneys, law students, and members of the co-sponsoring organizations observed first-hand a number of problems and received more than 340 complaints from Asian American voters, interpreters, and poll workers. The exit poll and poll site monitoring documented incidents of anti-Asian voting disenfranchisement and the need for voluntary language assistance.

AALDEF also monitored poll sites during the Primary Elections in New York City in September.



AALDEF operated a multilingual telephone hotline to record complaints of voting problems. Operators spoke four languages and dialects: English, Cantonese, Mandarin, and Tagalog.

Whenever serious problems arose on Election Day, AALDEF attorneys immediately contacted local election officials to remedy the situations and reported incidents on the 1-888-OUR VOTE hotline as part of the national Election Protection Project of the

Lawyers Committee for Civil Rights.

Every week throughout the year, AALDEF also registers new voters at the Manhattan federal court in New York City after naturalization swearing-in ceremonies. In 2014, AALDEF registered over 1,300 new voters.

## 3. New Initiatives in 2014

In 2014, AALDEF launched new initiatives to protect the Asian American vote. To prepare for the elections, AALDEF initiated several advocacy, community education, and legal support efforts. AALDEF worked with local elections officials and community-based organizations in several states to improve language assistance for Asian American voters.

### a. Advocacy

In the months preceding the midterm elections, AALDEF and community partners wrote to all of the jurisdictions where we conducted our exit poll survey and poll monitoring, and requested that the jurisdictions provide Asian language interpreters even if it was not required under Section 203 of the VRA. We were pleased to see that some jurisdictions agreed to voluntarily provide this language assistance.

AALDEF also met with local boards of elections to discuss their language assistance programs.

In Pennsylvania, AALDEF met with the Chair of the Philadelphia City Commissioners to discuss steps to increase language access for Asian American voters in Philadelphia. This followed a 2007 settlement in *U.S. v. Philadelphia*<sup>32</sup>, in which the City orally agreed to provide interpreters for Chinese, Khmer, Korean, and Vietnamese voters. AALDEF will continue to monitor elections in Philadelphia to ensure that the City complies with this agreement.

In Washington DC, AALDEF, along with pro bono co-counsel Morrison & Foerster LLP, wrote to the Board of Elections to request Asian language assistance, referencing the DC Language Access Act of 2004, which requires language assistance for city services. Elections officials subsequently agreed to voluntarily provide Chinese interpreters and translated materials at targeted poll sites in Washington DC.

#### b. Community Education

In response to a recent wave of state laws that require voters to provide photo identification and documentary proof of citizenship, AALDEF developed fact sheets on voting laws in Florida, Georgia, Illinois, Louisiana, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New York, Texas, Virginia, and Washington, D.C. These fact sheets inform voters of their rights and address the legal issues that may arise when nonprofit organizations seek to encourage voter participation. The fact sheets also review local, state, and federal laws regarding jurisdictions' legal obligations throughout the voting process and voters' rights with respect to interpreters, provisional ballots, and remedies.

In addition, AALDEF created and disseminated multilingual fact sheets to educate community members and leaders about Section 203. These fact sheets are available in English and 10 Asian languages: Bengali, Chinese, the Filipino dialects of Ilocano and Tagalog, Hindi, Japanese, Korean, Punjabi, Urdu, and Vietnamese. The fact sheets explain the law's requirements, its benefits, and the procedure for reporting problems to ensure that all Asian American voters can fully exercise their right to vote.

#### b. Exit Poll and Poll Monitoring Trainings

In October and November, AALDEF conducted over 40 training sessions in 9 states: Georgia, Louisiana, Massachusetts, Michigan, Nevada, New Jersey, New York, Pennsylvania, Texas and Washington, DC. AALDEF trained over 500 lawyers, community leaders, law students and volunteers through in person and telephone trainings to participate in the nationwide exit poll and poll monitoring project.

AALDEF educated voters, through ethnic media press conferences and multilingual information sheets, about their rights under HAVA and the Voting Rights Act. AALDEF informed voters about provisional ballots, what to do if their names were missing from voter lists or their records had incorrect information, and the right to bring friends or family members into the voting booth to translate the ballot for them.

#### 4. Voting Rights Litigation Since 2008 and Complaints in Preparation for 2014

After the 2008 elections, AALDEF initiated or participated in the following cases under federal, state or municipal election laws:

*Boat People SOS v. Philadelphia City Commissioners* – AALDEF filed a complaint with the Philadelphia Commission on Human Relations alleging a

violation of the city's Fair Practices Ordinance, which prohibits discrimination in the provision of city services. AALDEF's complaint alleges that the City Commissioners' refusal to provide Asian language assistance during elections violates the Fair Practice Ordinance's prohibition on discrimination of national origin in the provision of a city service, voting.

*Shelby County, Alabama v. Holder* – AALDEF filed an *amicus* brief with the U.S. Supreme Court on behalf of 28 Asian American groups, urging the Court to uphold Section 5 of the Voting Rights Act of 1965, which allows the U.S. Department of Justice or the U.S. District Court for the District of Columbia to ensure that any proposed new voting rules do not discriminate against or disenfranchise minority voters.<sup>33</sup>

*Alliance of South Asian American Labor v. The Board of Elections in the City of New York* – AALDEF filed a lawsuit under Section 203 of the Voting Rights Act against the NYC Board of Elections for failure to provide adequate Bengali language assistance.<sup>34</sup> The Board provided Bengali ballots in the first election after the lawsuit was filed and ultimately settled the case with AALDEF.

*Arizona v. Inter Tribal Council of Arizona* – AALDEF filed an *amicus* brief in the U.S. Supreme Court, challenging the legality of Arizona's Proposition 200, the state's restrictive voter registration law. AALDEF argued that Proposition 200 unfairly burdened naturalized citizens, who make up almost 40% of the state's Asian American population.<sup>35</sup>

*Applewhite v. Pennsylvania* – AALDEF filed an *amicus* brief in the Pennsylvania State Supreme Court challenging the constitutionality of Pennsylvania's restrictive voter ID requirement. AALDEF's *amicus* brief demonstrated that Pennsylvania's new photo ID requirements would have discriminatory impacts on Asian American voters. The brief detailed findings from election monitoring data compiled by AALDEF and other Asian American groups over the last decade.<sup>36</sup>

*Perry v. Perez* – AALDEF filed an *amicus* brief urging the U.S. Supreme Court to affirm a Texas federal district court's interim redistricting plan after the Department of Justice contended that the Texas state legislature's plan diluted the voting power of Asian Americans and other people of color.<sup>37</sup>

*Favors v. Cuomo* – AALDEF filed a Complaint-In-Intervention on behalf of four Asian American voters urging the Brooklyn federal court to adopt a redistricting plan that provides Asian Americans in New York with equal political representation. AALDEF's complaint requested that an independent party or "Special Master" be appointed to redraw districts immediately.<sup>38</sup>

AALDEF also made specific complaints about particular issues in anticipation of the 2014 Elections.

*Redistricting* – AALDEF, along with Latino Justice/PRLDEF, National Institute for Latino Policy, and the Center for Law and Social Justice at Medgar Evers College, created the "Unity Map," which proposed district lines for New York state assembly, state senate, congressional districts, and city council. AALDEF also advocated for fair redistricting on behalf of Asian American communities in New Jersey congressional and state redistricting, Boston city council redistricting, Massachusetts congressional redistricting, Pennsylvania congressional and state redistricting, Philadelphia city council redistricting, and Texas redistricting.

### 5. After Election Day 2014

AALDEF received more than 340 complaints of voting problems on Election Day. In the weeks after the elections, AALDEF followed up with every voter who reported a problem to confirm the incidents and obtain more details.

AALDEF also looked up voters' records in official databases of registered voters to confirm the complainants' registrations, assigned poll sites, and whether their votes were counted.

AALDEF sent complaint letters to election officials in each of the jurisdictions we monitored. These letters reviewed the most significant problems in detail and offered concrete recommendations for improvements. These letters were sent to elections officials in the following jurisdictions:

DC: Washington  
 GA: DeKalb County, Gwinnett County  
 LA: New Orleans  
 MA: Boston, Lowell, Malden, Quincy  
 MD: Montgomery County  
 MI: Troy, Ann Arbor, Canton, Detroit, Hamtramck  
 NJ: Hudson County, Bergen County, Middlesex County  
 NV: Clark County  
 NY: New York City  
 PA: City of Philadelphia, Bucks County  
 TX: Harris County, Fort Bend County  
 VA: Arlington, Fairfax, Falls Church

This report highlights the most widespread and egregious barriers Asian American voters encountered during the 2014 Elections.

### **AALDEF's Multilingual Exit Poll, Nov. 2014: Respondents**

ALL	FIRST-TIME VOTER	FOREIGN BORN	ENGLISH AS NATIVE LANGUAGE	LEP	LARGEST ETHNIC GROUPS
<b>TOTAL: 4,102</b>	<b>10%</b>	<b>84%</b>	<b>15%</b>	<b>45%</b>	<b>37% Chinese 26% South Asian 13% Korean 11% Vietnamese 6% Filipino</b>
<b>BY ETHNIC GROUP</b>					
Chinese	9%	75%	14%	54%	N/A
Korean	6%	84%	8%	70%	N/A
Filipino	11%	74%	22%	7%	N/A
South Asian	10%	88%	12%	26%	44% Asian Indian 47% Bangladeshi 8% Pakistani
Vietnamese	15%	83%	7%	63%	N/A

### AALDEF EXIT POLL RESULTS – Nov. 4, 2014

All Voters Surveyed	First-Time Voter	Foreign Born	English as Native Language	LEP	Largest Asian Groups Surveyed
<b>TOTAL:</b> 4,102	<b>10%</b>	<b>84%</b>	<b>15%</b>	<b>45%</b>	<b>37% Chinese</b> <b>26% South Asian</b> <b>13% Korean</b> <b>11% Vietnamese</b> <b>6% Filipino</b>
<b>BY STATE</b>					
<b>New York</b>	10%	84%	15%	54%	Chinese 51% Bangladeshi 18% Korean 14%
<b>New Jersey</b>	5%	88%	14%	32%	Asian Indian 33% Korean 32% Chinese 12%
<b>Massachusetts</b>	8%	74%	19%	50%	Chinese 53% Vietnamese 25% Cambodian 12%
<b>Pennsylvania</b>	14%	78%	16%	57%	Chinese 45% Vietnamese 23% Filipino 10% Asian Indian 10%
<b>Michigan</b>	11%	85%	15%	23%	Bangladeshi 29% Asian Indian 27% Chinese 23%
<b>Virginia</b>	4%	84%	18%	39%	Korean 39% Vietnamese 14% Asian Indian 11% Filipino 10%
<b>Georgia</b>	13%	90%	12%	24%	Asian Indian 23% Korean 21% Chinese 16% Bangladeshi 10%
<b>Maryland</b>	8%	73%	25%	24%	Asian Indian 25% Chinese 21% Korean 19% Vietnamese 11%
<b>Texas</b>	13%	89%	13%	22%	Vietnamese 36% Asian Indian 28% Chinese 20%
<b>Louisiana</b>	15%	91%	3%	77%	Vietnamese 99%
<b>Nevada</b>	12%	89%	19%	3%	Filipino 94%
<b>District of Columbia</b>	6%	51%	34%	13%	Chinese 41% Korean 15% Asian Indian 11%

### III. FINDINGS AND OBSERVATIONS

Asian Americans had to overcome many barriers to exercise their right to vote, including (A) the lack of language assistance; (B) racist and poorly trained poll workers; (C) incomplete voter lists and denials of provisional ballots; (D) improper identification checks; and (E) poll site confusion. We received over 340 complaints about voting problems on Election Day.

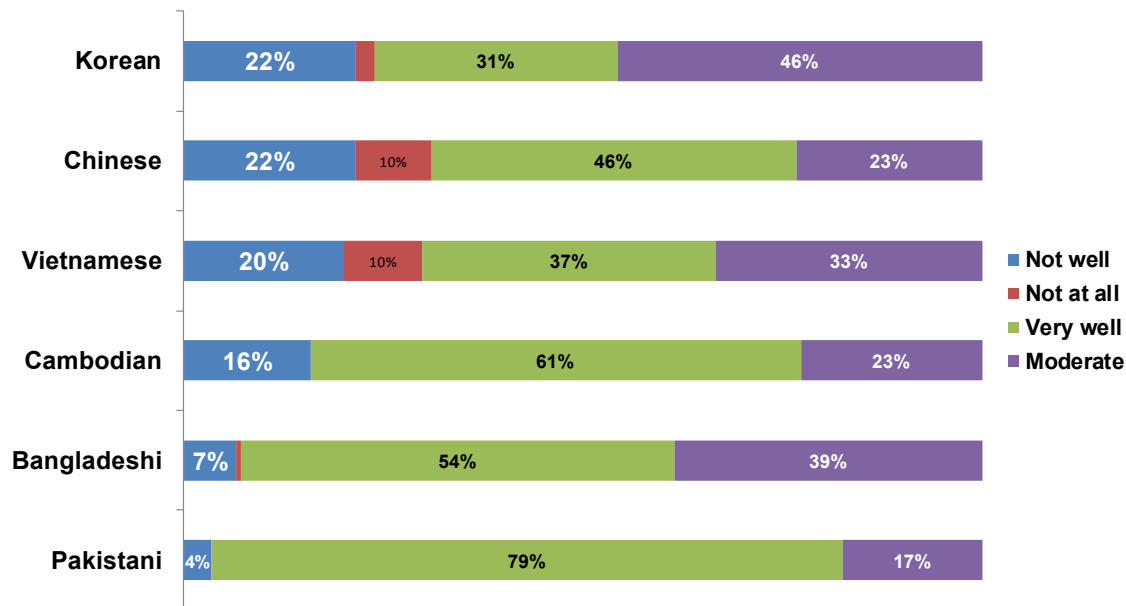
**AALDEF Voter Survey, November 4, 2014**

Complaint/ Problem	Voters
Required to prove US citizenship	74
Name missing / incorrect	52
Voted by provisional ballot	46
No interpreters / translated materials	68
Poll workers poorly trained	33
Directed to wrong poll site/precinct voting booth	31
Poll workers were rude/hostile	13
Voting machine broken	19

**A. Language Assistance**

LEP Asian Americans had much difficulty in voting. In AALDEF's survey, 84% of all respondents were foreign-born naturalized citizens. Only 15% identified English as their native language and 45% were LEP.<sup>39</sup> Ten percent of all voters surveyed were voting for the first time.

Twenty-five percent of respondents indicated that they preferred to vote with the help of an interpreter and/or translated materials.

**Limited English Proficiency by Ethnicity**

Language assistance, such as interpreters or translated voting materials, if any, was far from adequate. Notwithstanding federal mandates, poll workers did not know about or were hostile to providing language assistance to voters. In our survey, 68 Asian American voters complained that there were no interpreters or translated materials available to help them vote.

### 1. Compliance with the Voting Rights Act (Mandatory Language Assistance)

The Voting Rights Act requires language assistance for voters in several jurisdictions where AALDEF conducted its survey. Section 203 of the VRA covers counties in Massachusetts, Michigan, Nevada, New Jersey, New York and Texas for translated ballots, voting materials, and interpreters at poll sites.

- Massachusetts - Chinese assistance is required in Quincy.
- Michigan - Bangladeshi assistance is required in Hamtramck.
- Nevada - Filipino assistance is required in Clark County.
- New Jersey - Korean assistance is required in Bergen County.
- New York - Chinese assistance is required in Queens, Brooklyn (Kings County), and Manhattan (New York County), and Korean and Asian Indian (Bengali) assistance in Queens.
- Texas - Vietnamese and Chinese assistance is required in Houston (Harris County).
- Boston, MA - Similarly, Massachusetts state law requires language assistance in Boston for Chinese and Vietnamese American voters.<sup>40</sup> Notwithstanding positive efforts by elections officials, there have been many shortcomings in compliance.
- Philadelphia, PA – The Fair Practices Ordinance<sup>41</sup> in Philadelphia prohibits discrimination in the provision of public accommodations, which includes providing language assistance for language minority voters such as LEP Vietnamese American and Chinese American voters. To date, election officials have not complied with the ordinance and did not provide Vietnamese language assistance in the 2014 General Election while Chinese language assistance was limited and inadequate.
- Washington, DC – DC's Language Access Act<sup>42</sup> requires the provision of language assistance for language minority voters, including LEP Chinese-American and Vietnamese-Americans. For the 2014 General Election, the city agreed to provide Chinese interpreters at certain poll sites, but LEP Vietnamese-speaking voters remain without language assistance.

#### a. Translated Voting Materials and Signs Missing

Section 203 requires the translation and posting of all voting signs and materials. However, many poll sites did not have them. Poll workers were both uninformed and unwilling to display the translated voting materials properly.

In Manhattan, NY, several poll sites were missing Chinese translated materials, including Chinese affidavit ballots. When asked about the missing materials by an AALDEF observer, poll workers and a poll site supervisor seemed uninterested in whether they had been supplied with multilingual materials. As a result, many LEP Chinese voters were confused and found it difficult to vote.

In Jackson Heights, NY, Bengali materials were left unopened in supply kits and unavailable to voters until an AALDEF observer asked where these materials were located. Poll workers seemed unfamiliar with the multilingual materials.

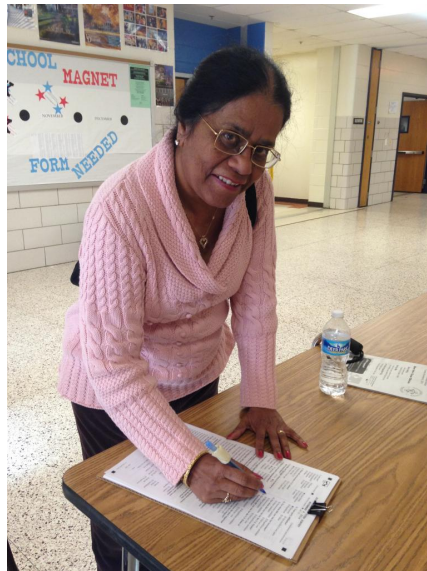
In Bergen County, NJ, Korean ballots were not provided to voters at the voting machines, despite the fact that Bergen County is required to provide Korean language assistance under Section 203. Voters were provided with translated sample ballots, but these proved to be confusing and only minimally helpful to LEP Korean-American voters. One voter stated that she was only able to vote for one candidate with confidence because she remembered him from her translated sample ballot and was unable to vote for any of the other offices or issues because she could not read the English ballot at the voting booth.

In Quincy, MA, poll workers at three poll sites failed to post translated “Vote Here” signs, including signs indicating the availability of multilingual ballots. One Chinese American voter reported that her ballot was not translated into Chinese and as a result, she required the assistance of an interpreter when making her selections. The voter expressed discomfort with an interpreter because she felt it compromised the anonymity of her vote and expressed a strong desire for translated ballots that she could fill out independently.

In Boston, MA, two poll sites were missing translated materials, including Vietnamese provisional ballots and sample ballots, which are required by Massachusetts state law. Additionally, translated signage, including signs indicating the availability of language assistance, were not posted at four of the poll sites AALDEF monitors observed.

#### b. Interpreter Shortages

Oral language assistance is also needed to help LEP voters cast their ballots.



In New York City, many poll sites did not have enough interpreters. Seventeen percent (17%) of all Chinese-speaking interpreters assigned by the Board of Elections, twenty-two percent (22%) of all Korean-speaking interpreters assigned, and twenty percent (20%) of all Bengali and Hindi-language interpreters assigned were missing.

In Philadelphia, many poll sites had few to no Asian language interpreters. We observed numerous Asian American voters who experienced difficulty in voting due to the City's failure to provide interpreters. In Philadelphia, 57% of Asian Americans are LEP and 34% prefer voting with language assistance.

In Detroit, MI, there was a large population of LEP Bangladeshi American voters who were unable to vote or vote meaningfully because of a lack of language assistance. Fifty-four percent of all voters surveyed were LEP, but only 22% were able to receive some form of language assistance. All of the language assistance was provided by community groups that responded as best they could to the need on Election Day.

#### c. Adequacy of Translated Ballots

Section 203 requires the full translation of ballots so that LEP voters can fully and independently exercise their right to vote. However, the full translation and readability of translations continued to be an issue in the 2014 elections.



In Bergen County, NJ, where Korean American candidate Roy Cho ran for Congress, ballots did not have transliterations of candidates' names in Korean. LEP voters typically know the candidates by their transliterated names, which appear in Asian-language media, advertising, and campaign literature.

On Election Day, many Asian American voters were denied mandatory language assistance required under Section 203, resulting in prolonged waiting time for all voters and LEP Asian American voters being unable to vote.

### AALDEF Multilingual Exit Poll, Nov. 2014: Language Minority Groups

STATE - LOCALITY	LANGUAGE MINORITY GROUP	LIMITED ENGLISH PROFICIENT	PREFERS VOTING WITH ASSISTANCE OF INTERPRETER OR TRANSLATED MATERIALS
<b>DISTRICT OF COLUMBIA</b>			
- DISTRICT OF COLUMBIA	Chinese	17%	13%
<b>GEORGIA</b>			
- DEKALB CO.	Vietnamese	46%	23%
- GWINNETT CO.	Korean	68%	6%
	Chinese	29%	9%
<b>LOUISIANA</b>			
- NEW ORLEANS	Vietnamese	77%	38%
<b>MARYLAND</b>			
- MONTGOMERY CO.	Chinese	29%	0%
	Korean	47%	13%
	Vietnamese	11%	13%
<b>MASSACHUSETTS</b>			
- BOSTON	Chinese	53%	24%
	Vietnamese	69%	51%
- LOWELL	Cambodian	43%	30%
- QUINCY	Chinese	38%	23%
<b>MICHIGAN</b>			
- ANN ARBOR	Chinese	38%	19%
- CANTON	Chinese	7%	5%
- DETROIT	Bengali	57%	48%
- HAMTRAMCK	Bengali	42%	15%
- TROY	Chinese	25%	7%
<b>NEW JERSEY</b>			
- BERGEN CO.	Korean	70%	17%
- HUDSON CO.	Asian Indian	33%	19%
- MIDDLESEX CO.	Asian Indian	11%	3%
<b>NEW YORK</b>			
- BROOKLYN	Chinese	53%	42%
	Bengali	39%	20%
- MANHATTAN	Chinese	60%	46%
- QUEENS	Chinese	65%	39%
	Korean	83%	47%
	Bengali	50%	30%
<b>PENNSYLVANIA</b>			
- PHILADELPHIA	Chinese	62%	46%
	Vietnamese	86%	43%
<b>TEXAS</b>			
- FORT BEND CO.	Chinese	12%	2%
	Vietnamese	24%	8%
- HARRIS CO.	Chinese	62%	23%
	Vietnamese	49%	18%
<b>VIRGINIA</b>			
- FAIRFAX CO.	Korean	72%	16%
	Vietnamese	56%	11%
- FALLS CHURCH	Vietnamese	75%	35%

## 2. Compliance with Section 208 (Assistance by Persons of Choice)

Voters have the right to be assisted by persons of their choice under Section 208 of the Voting Rights Act. Unlike Section 203, this provision applies across the nation. These assistants may accompany voters inside the voting booth to translate the ballot. The only exception under this federal law is that the assistant may not be the voter's union representative or employer. Poll workers, however, obstructed this right.

At one poll site in New Orleans, LA, a LEP Vietnamese American voter reported that a poll worker refused to allow a friend or family member to assist him in the voting booth. He was thus compelled to cast his vote without the help to which he was entitled.



In Texas, many LEP voters were denied the right to private assistance inside the voting booth by a person of their choice because of a state law that provides that "interpreters" must be a person who is registered to vote in that district. As such, many voters who needed interpretive assistance provided by friends or family who were not registered voters in the same district as the voter were denied their rights under Section 208 of the VRA and forced to vote without such assistance.

## 3. Voluntary Language Assistance

Many states and localities with large and growing Asian American populations are not required to provide language assistance under federal law. In response, AALDEF has successfully persuaded elections officials in New Jersey, Massachusetts, Illinois, Michigan, Pennsylvania, Virginia, and Maryland to provide language assistance voluntarily to voters. Such commendable efforts, however, were insufficient. In every state where AALDEF conducted poll monitoring, LEP voters complained about the lack of assistance.

### a. New York: Bengali in Brooklyn and the Bronx

New York City has the largest South Asian population in the nation. Although Bengali language assistance is mandated in Queens under Section 203, the city does not currently provide similar language assistance in Brooklyn or the Bronx. AALDEF's survey found a high level of need in Brooklyn where many Bengali speakers were LEP and needed language assistance. The New York City Board of Elections should translate voter registration forms and provide Bengali interpreters and translated materials at poll sites in Brooklyn and the Bronx.

### b. Massachusetts: Khmer, Chinese and Vietnamese

Boston, Lowell, and Quincy have growing Asian American populations, and groups like the Chinese Progressive Association have long worked to increase Asian American voting participation. Among native Khmer speakers in Lowell, 42% were LEP. Twenty-one percent of voters used interpreters to help them cast their ballots.

While the Lowell Elections Commission hired Khmer interpreters, they were not always readily accessible to voters due to the failure of poll workers to post signs indicating the availability of interpreters. Twenty-four percent of voters still reported experiencing difficulty voting due to inadequate language assistance.

Asian language assistance should be provided on a statewide level to encompass localities with growing Asian American populations.

c. Pennsylvania: Chinese and Vietnamese

AALDEF collaborated with Boat People SOS–Delaware Valley, which worked on voter education and turnout during both the local primary and General Elections in Philadelphia.

Among native Chinese speakers, 62% were LEP and 46% preferred language assistance. Among native Vietnamese speakers, 86% were LEP and 43% preferred language assistance.

The City refused to commit to providing a sufficient number of interpreters, and in the 2014 election, unsurprisingly, there were interpreter shortages. At the Reed Street Presbyterian Apartments poll site, lack of assistance caused several voters to leave without voting when poll workers could not assist them.

Additionally, one voter reported that she inadvertently voted for the Republican candidate when she wanted to vote for the Democratic candidate because the interpreter spoke poor Cantonese and directed her to press “1” instead of “2”.

Philadelphia provided a language line that poll workers could call to get on-the-spot assistance for voters. However, most poll workers were unaware of its existence and therefore did not offer it as an option to voters, nor did they post signs alerting LEP voters of this service. To date, AALDEF has yet to observe a single voter being assisted by the Language Line service.

d. Michigan: Bengali

AALDEF has been assisting APIA Vote Michigan in developing strategies to advocate for language assistance in particular municipalities.

Among native Bengali speakers in Detroit, 54% were LEP and 46% preferred voting with language assistance. There was an overwhelming need for Bengali language assistance at the Transfiguration Church poll site in Detroit and because none was provided, many Bangladeshi American voters were confused and spoiled their ballots, voted for the wrong candidate, or left without voting because poll workers were unable to help them.

e. Virginia: Vietnamese and Korean

The Asian Pacific American Legal Resource Center’s (APALRC) Language Rights Project expands language assistance to government services in the District of Columbia, Virginia, and Maryland. AALDEF worked with APALRC to monitor language access at the polls. Among Vietnamese speakers surveyed in Fairfax County, 56% were LEP. Eleven percent preferred voting with language assistance. Seventy-two percent of Korean speakers were LEP. Sixteen percent preferred voting with language assistance.

In Falls Church, VA, 75% of Vietnamese-speaking voters were LEP and 35% preferred to vote with language assistance.

#### f. Maryland: Vietnamese and Korean

In Montgomery County, 47% of Korean speaking voters surveyed were LEP with 13% preferring to vote with language assistance. Eleven percent of Vietnamese-speaking voters surveyed were LEP and 13% preferred to vote with language assistance.

#### g. Louisiana: Vietnamese

The largest Asian American population in the region is Vietnamese. Vietnamese American Young Leaders Association of New Orleans (VAYLA-NO) worked on voter education and registration. In our survey, 76% of Vietnamese voters were LEP. Fifty-two



percent of voters needed language assistance, but 20% were not provided with such assistance. VAYLA-NO's attempts to provide such assistance by applying for approval to provide official interpreters and translated ballot measures were met with indifference and, sometimes, hostility by poll workers. As such, VAYLA-NO was only

approved to provide one interpreter each at two poll sites and no interpreters at all at a third poll site with a high need for Vietnamese language assistance.

#### h. Georgia: Vietnamese

The Center for Pan Asian Community Services (CPACS) conducted community outreach and ensured an accurate count of Asian American for U.S. census reports. Thirty-one percent of voters surveyed in Gwinnett and Dekalb Counties were LEP. At the Lucky Shoals Community Center poll site, 33% of Vietnamese-speaking voters needed interpreters. At the Hull Middle School poll site, 50% of Vietnamese-speaking voters needed interpreters. At the Oakcliff Elementary School poll site, 23% of Vietnamese-speaking voters and 15% of Bengali-speaking voters needed interpreters.

In conclusion, local elections officials should be commended for voluntarily providing language assistance to Asian American voters. However, such efforts must be expanded to ensure full access to the vote. Local elections officials should fully translate voter registration forms, voter guides, ballots and other voting materials, as well as hire bilingual poll workers.

## B. Racist and Poorly Trained Poll Workers

Several poll workers were hostile towards Asian American and LEP voters. In our survey, 13 Asian American voters complained that poll workers were "rude or hostile," and 33 complained that poll workers were unhelpful or unknowledgeable about proper election procedures. Forty-six Asian American voters reported their complaints to AALDEF.

### 1. Hostile and Discriminatory Poll Workers

A number of poll workers made derogatory or hostile remarks to Asian American voters.

In Elmhurst, NY, a voter reported that the poll site coordinator was hostile to her attempts to ask for assistance, accusing her of holding up the line and refusing to give her a new ballot after she spoiled two due to lack of assistance. The voter was turned away without being able to cast a valid vote.

In Woodside, NY, a poll worker told one Chinese American voter: "You don't look like you speak English" when the voter informed her that he did not require language assistance.

In Flushing, NY, a Korean American voter reported that a poll worker yelled at her for making a minor mistake.

In Manhattan, NY, an elderly Chinese American voter was receiving assistance from an interpreter when a poll worker demanded that she leave the poll site. The voter was forced to leave without casting a vote.

## 2. Poorly Trained Poll Workers

HAVA requires that voters be informed of their rights at poll sites. Poll workers, however, failed to post required signs and were not aware of relevant local and federal laws.

The Voter Bill of Rights sign was missing from seven (7) poll sites in New York City. Multilingual "when to use an affidavit ballot" tent cards were missing from 15% of the election districts.

In Elmhurst and Jamaica, NY, voters reported that poll workers were unable to provide clear instructions on ballot usage, particularly in relation to questions on why certain candidates were listed multiple times on the ballot. Poll workers approached AALDEF monitors to ask if they could explain why candidates' names appeared more than once. Several voters were observed to have spoiled their ballots due to the confusion.

In Flushing, NY, two Chinese American voters reported that poll workers handed them Korean-translated ballots without asking the actual language in which they needed assistance.

In Chinatown, NY, poll workers began unplugging voting machines and packing up voting materials before the official poll closing time. A voter who arrived before polls closed at 9 p.m. was almost turned away but for the presence of AALDEF observers and the poll site police officer. Once inside the poll site, a poll worker was observed chastising the voter for coming "late" and urging him to "hurry up".

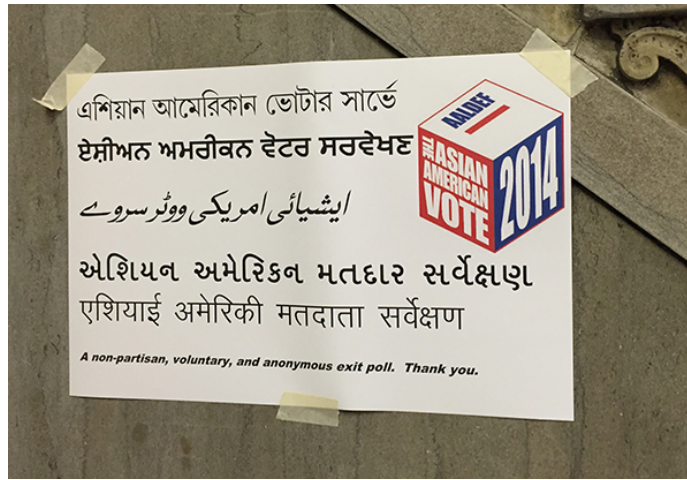
In Philadelphia, PA, a poll worker initially told a Chinese American voter that her name was not on the voter roll despite the fact that the voter had voted at the poll site in the 2012 Presidential Election. The voter was almost compelled to vote by provisional ballot, but fortunately a Chinese interpreter arrived at the poll site and was able to help the voter find her name.

In Detroit, MI, poll workers were unhelpful and exacerbated many of the language access problems observed above. A volunteer reported that poll workers were abrupt or aggressive when LEP voters presented spoiled ballots. Poll workers did not attempt to explain to voters why their ballots were spoiled and how to mark the choices correctly. One LEP Bangladeshi American voter attempted to vote three times and eventually gave up and left the poll site without casting a vote because he received no explanations and did not want to continue spoiling ballots.

### 3. Improper Electioneering

Poll workers engaged in improper electioneering and voter interference. In Philadelphia, PA, AALDEF volunteers received a voter report that a poll worker followed him into the voting booth and pressed “2” for the governor candidate without consulting the voter. The poll worker then directed the voter to press “Yes” for all of the amendments before exiting the booth.

Better poll worker training is required so that poll workers do not inadvertently disenfranchise voters by refusing to allow voters to exercise their rights under the VRA. Poll workers who are hostile or discriminatory should be disciplined or dismissed.



### C. Incomplete Voter Lists & Denials of Provisional Ballots

Many Asian Americans complained that their names were missing from lists of registered voters located at poll sites. In the past, poll workers used to turn away voters, but HAVA now requires that provisional ballots be given to all voters to preserve their right to vote. However, such ballots were not always offered or

were expressly denied. At times, voters were even turned away. AALDEF also observed and received reports of poll workers who misused provisional ballots, compelling voters to vote by provisional ballot when they were entitled to vote on an actual ballot.

#### 1. Asian Voters' Names Missing

Voters reported to their assigned poll sites, or to poll sites where they had previously voted, only to find their names missing from voter lists. In our survey, 52 voters complained that their names were not listed or listed incorrectly.

Voters' names were misspelled or their first and last names were inverted.

In Detroit, MI, many first-time voters reported that their names were missing from the voter rolls despite the fact that they were certain they had registered to vote on the day of their naturalization ceremonies held months before Election Day. Many of these voters had to vote by provisional ballot and some were turned away without voting at all.

In New York City, we observed numerous voters who were forced to vote by provisional ballot because their names were not in the voter rolls or there was an error in the voter's information in the voter rolls or the Board of Elections database. We also observed poll workers who were untrained and unprepared to assist voters with affidavit ballots.

During AALDEF's voter registration drives in New York City, we also received reports of deficiencies in the registration process. One voter attempted to register three times – once at the Department of Motor Vehicles, once at an event organized by a state senator, and once with a mail-in form. He reported never receiving a voter card confirming his registration.

In New Orleans, LA, two Vietnamese American voters reported that their names were missing from the voter rolls despite the fact that they both voted at the same poll site in the 2012 Presidential Election. They had to vote by provisional ballots.

In Boston, MA, a LEP Vietnamese American voter reported that her name was misspelled on the voter roll and she had to vote by provisional ballot. The voter complained because there were no signs indicating the availability of an interpreter, she left the poll site believing that no interpreters had been provided and was thus not able to request assistance in communicating with poll workers.

## 2. Denials of Provisional Ballots

Although HAVA requires that voters whose names are missing be offered provisional ballots, poll workers denied voters this right and simply turned them away. Indeed, voters had to demand, explicitly, provisional ballots. In our survey, 46 voters complained that they had to vote by provisional ballots.

For example, in Detroit, MI, one Bangladeshi American voter spent four hours attempting to vote. His name was not on the voter rolls even though his wife's was, and after being directed to different poll sites, he left without voting because poll workers did not offer him the option to vote by provisional ballot. The pattern of poll workers not offering provisional ballots to voters was likely due, in part, to the fact that all of the provisional ballots for the entire poll site were handled by one poll worker in one of the precincts. This concentration of provisional ballots at one precinct is unnecessarily confusing and greatly increases the risk that voters will not be provided with provisional ballots either because poll workers are not aware of where the ballots are or because the one poll worker who has the provisional ballots is away from her station. Voters who are directed over to the poll worker from another precinct must then complete the ballot and return it to their own precinct, again increasing confusion and delay.

Jurisdictions must comply with HAVA's mandate to provide provisional ballots to voters at poll sites if their names are missing from voting lists. Poll workers also need better training on the rules regarding provisional ballots and how to handle such ballots.

## 3. Misuse of Provisional Ballots

In addition to providing provisional ballots for voters whose names are missing or misspelled in the voter rolls, poll workers should *not* require those voters whose names *do* appear correctly in voter rolls to vote by provisional ballots. Those voters are entitled to vote on the machines and have their votes counted on Election Day. However, poll workers were observed requiring registered voters whose names appeared on the voter rolls to vote by provisional ballot.

In Detroit, MI, several Bangladeshi American LEP voters reported to AALDEF volunteers that, after spoiling their ballot because they did not understand how to correctly mark their choices, poll workers required them to vote by provisional ballot rather than issuing them a new ballot as required by Section 740 of Michigan Election Law.

In Philadelphia, PA, as observed above, a Chinese American voter was nearly forced to vote by provisional ballot because the poll worker did not diligently search for her name in the voter rolls.

## 4. Improvements to Provisional Balloting and Updating Voter Lists

Names do not appear on lists of registered voters at poll sites for a variety of reasons.



Voters' names may have been entered incorrectly or their registration forms may have been lost or mishandled. These voters were never registered through no fault of their own. Other voters may have been misinformed of their proper poll sites and ended up going to the wrong location. Voters may also have been at the correct sites, but their names were improperly removed from lists.

The accuracy of voter lists needs to be improved. For individuals who voted by provisional ballot, those provisional ballot affirmations can be used to correct voter registration errors and omissions in the database of registered voters. Most of the information on the affirmations, typically written on provisional ballot envelopes, is already used for voter registration. The Carter/Ford National Commission on Federal Election Reform, which laid the groundwork for many of HAVA's provisions, also recommended this solution, and it should be implemented.

Poll workers also inconsistently decided whether voters may cast provisional ballots. Poll workers should always offer provisional ballots if voters believe they are at the correct poll sites. Even if provisional ballots are cast at the wrong poll sites, the ballots should be counted for all the races in which the voters are eligible to vote.

Provisional ballots preserve an individual's vote. Poll workers need better training on the proper administration of provisional ballots. When voters have taken all the necessary steps to register, corrective measures must be put into place to fix errors and omissions.

## D. Improper Identification Checks

On Election Day, 74 Asian American voters were required to prove their United States citizenship in order to vote. No state requires proof of citizenship at the poll site. In *Arizona v. Inter Tribal Council of Arizona* AALDEF filed an *amicus* brief in the U.S. Supreme Court, challenging the legality of Arizona's Proposition 200, the state's restrictive voter registration law that required proof of citizenship for voter registration. Although the Supreme Court ultimately struck down Proposition 200, other states have passed or proposed similar laws, including Alabama, Georgia, Kansas, and Tennessee.

HAVA requires identification from a very narrow category of first-time voters. Notwithstanding positive efforts by election officials and community groups to educate the public, as well as poll worker trainings that stressed the specific ID rules, identification was still required of a very large number of minority voters on Election Day.

AALDEF conducted a series of voter rights trainings to review current voter identification laws. AALDEF sought to dispel myths and ensure that ID requirements would not disenfranchise Asian Americans on Election Day. Nonetheless, many long-time Asian American voters complained that they were improperly asked to provide identification. These voters were not required to show ID under HAVA because they were not voting for the first time.

### Asian American Voter Complaints About Identification Checks

In states where ID is not generally required to vote

	DC	NJ	NY	PA	MA
Required to provide ID to vote	14	32	418	37	21
% of total voters surveyed	19%	11%	21%	20%	8%
% ID not required under HAVA	77%	97%	81%	78%	86%

In states where ID is not generally required, Asian American voters were required to present identification. The vast majority of them were not required to do so under HAVA. AALDEF received complaints and personally observed these improper and sometimes excessive demands for identification from Asian American voters in almost every state.

AALDEF received specific complaints of racial profiling from Asian American voters in multiple states:

In Woodside, NY, a poll worker required a voter who has been voting since 1972 to produce identification. Another voter at the same poll site reported that he was asked to present his passport and that he had been asked specifically for his passport in prior elections.

In Jersey City, NJ, a Korean American voter was asked to provide ID despite not being a first time voter. The voter noted that he has been asked for identification as well in the prior elections.

In Hudson County, NJ, a South Asian voter was required to provide ID before poll workers allowed him to vote despite the fact that he had been voting at the poll site for ten years. He noted that in the previous election, he was compelled to return home in order to retrieve his identification and bring it to the poll site before poll workers gave him a ballot.

Some states require all voters to provide identification before they can vote. However, we found in many instances that while identification checks were applied to Asian American voters, white voters were not required to show ID. Sometimes Asian American voters had to provide additional forms of ID, including proof of U.S. citizenship.

GA: In Gwinnett County, two Asian American voters were required to prove their citizenship in order to vote. In Georgia, voters who registered on or after January 1, 2010 are required to prove their citizenship at the time of registration, not when they appear to vote on Election Day.

MA: In Boston, 21 voters were required to show identification and 4 voters were required to show proof of citizenship before voting. AALDEF has observed similar requests for proof of citizenship in Massachusetts in prior elections.

MI: 3 voters were required to prove their U.S. citizenship.

NY: 32 voters were required to prove their citizenship before voting and 337 voters were required to show identification even though they were not first-time voters.

PA: In Pennsylvania, one voter in Bensalem and four voters in Philadelphia were required to prove their citizenship when voting.

VA: 5 voters were required to prove their U.S. citizenship.

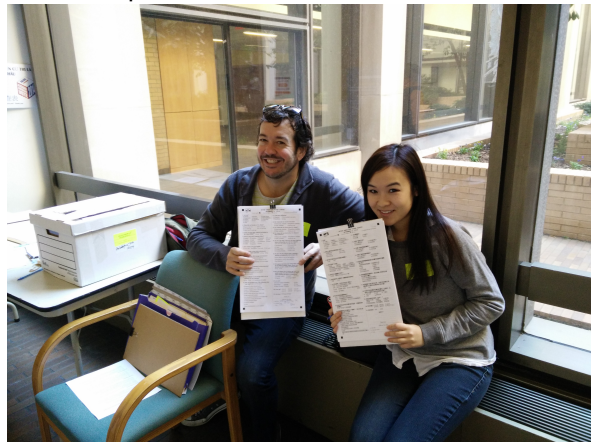
These identification checks often were required only of Asian American or language minority voters. Such demands for identification may discourage voters from exercising their right to vote. Poll workers must be better trained on the legal requirements of voting, and when such demands for identification are discriminatory, these poll workers must be removed from their posts.

## E. Poll Site Confusion

Inadequate notice of poll sites and misdirection to voting booth lines inside poll sites created much confusion. Voters were often redirected, sometimes incorrectly, to other lines or poll sites, only to be sent back later to their original locations or to yet a third location.

In our survey, 31 Asian Americans who voted complained of poll site confusion in trying to vote. (This number does not capture voters who did not vote and appeared at poll sites but were told to go elsewhere to vote.)

In Philadelphia, PA, several voters received notifications to vote at a poll site that had



been closed for construction for months. They were directed to a second poll site via a hotline but upon arriving at the second poll site, poll workers there directed them to yet a third poll site. An AALDEF volunteer was able to double-check the information based on the voters' addresses, realized that the third poll site was still incorrect, and was able to inform the voters of their correct poll site.

In Woodside, NY, poll workers at a voter's regular poll site informed him that his site had been changed to a different location. The voter reported to an AALDEF volunteer that he felt the new poll site was too far away to be accurate and, after checking on the Board of Elections website with the voter's address, AALDEF determined that the first poll site was indeed the correct one. If the voter had gone to the second poll site, he would not have been able to vote there.

In Detroit, MI, poll workers turned away many first-time LEP voters because they were at the wrong poll site, but did not instruct them on their correct poll sites. As a result, the voters left without knowing where to cast their vote.

In Fort Bend County, TX, a voter was given the address of a different poll site without directions on how to go there or any referral documentation. It was only after poll workers saw the voter speaking with AALDEF volunteers that they provided him with explicit directions to the new poll site and called to inform the other poll site of the referral.

Voters were misdirected to the wrong voting lines, which exacerbated already long wait times.

In Troy, MI, a voter reported that she had to line up for the incorrect precinct twice before a poll worker was finally able to direct her to the correct line. She noted that the section signs were unclear and poll workers told her to stand in the wrong line and then became impatient when her ballot was rejected for voting at the wrong station.

In some places, more concerted effort is needed to remedy problems.

In Detroit, MI, one poll site contained multiple precincts. The table of one of these precincts was set up at the main entrance, resulting in many voters waiting on line for that precinct, only to find out that they were on the wrong line. Many

voters did not know their correct precinct and were frustrated at the lack of information and guidance at the poll site and from the poll workers.

In Woodside, NY, poll workers were unable to direct a Chinese American voter to his correct election district. The voter eventually had to resort to walking to each of the different election districts to ask whether his name was present on their voter rolls.

Voters need better notice of their assigned precincts and poll sites. Sometimes better poll site management is needed to more efficiently manage peak turnout times. If voters are at the wrong locations, they should be allowed to cast provisional ballots and have their votes counted for the races in which they are eligible to vote.

## IV. RECOMMENDATIONS

Several steps must be taken to address the barriers faced by Asian American voters. AALDEF makes the following recommendations:

### A. National Recommendations

- Congress must update the coverage formula of the Voting Rights Act in light of *Shelby County v. Holder*, so that Section 5 preclearance can be implemented as soon as possible.
- Congress should consider legislation to allow automatic voter registration, which would alleviate many of the registration problems that Asian American voters encountered.
- Congress should amend HAVA to clarify that voting by provisional ballot can also be used to correct errors and omissions in voters' registrations.
- The U.S. Department of Justice should vigorously enforce Section 203 of the Voting Rights Act for Asian language assistance and Section 208 to ensure that voters can be assisted by persons of their choice.
- The U.S. Department of Justice should more actively enforce full compliance with HAVA, including the proper and nondiscriminatory application of identification requirements, the availability of provisional ballots, and the posting of Voter Bill of Rights signs at poll sites.

### B. Local Recommendations

- Language assistance should be provided to LEP voters. There should be translated voter registration forms, transliteration of candidates' names, voting instructions, and ballots, as well as interpreters and bilingual poll workers at poll sites.
- Poll workers should be reprimanded, retrained, or removed from their posts if they are hostile to or discriminate against Asian American voters, or deny language assistance to voters.
- Voters whose names cannot be found in lists of registered voters located at poll sites must be given provisional ballots. Local election officials should count the

ballots of all registered voters when their ballots are cast in their neighborhoods and local districts, even if they were at the wrong poll sites.

- Errors in the registrations of new voters must be corrected so that ballots are not disqualified. Voting by provisional ballot should be used as opportunities to correct such errors.
- Poll workers need better training in election procedures and voters' rights, especially on:
  - the requirements for language assistance and the proper use and posting of translated voting materials and signs under Section 203, where applicable;
  - voters' rights to be assisted by persons of their choice, who may also accompany voters inside voting booths under Section 208;
  - how to properly direct voters to their assigned poll sites and precinct voting booths;
  - proper demands for voter identification checks under HAVA; and
  - proper administration of provisional ballots under HAVA.

AALDEF will continue to work with national, state, and local legislators, policymakers, and election officials to ensure full compliance with the Voting Rights Act and Help America Vote Act and to guarantee that all Americans can exercise their right to vote.

**Poll Sites Monitored by AALDEF  
November 4, 2014**

**Bold = Exit Poll Sites**

State	County	City	Poll Site
DC	District of Columbia	District of Columbia	<b>Martin Luther King Jr. Memorial Library</b>
			<b>Trinity A.M.E. Zion Church</b>
GA	DeKalb	Doraville	<b>Oakcliff Elementary School</b>
	Gwinnett	Norcross	<b>Lucky Shoals Community Center</b>
		Duluth	<b>Hull Middle School</b>
LA	Orleans	New Orleans	<b>Mary Queen of Vietnam Church</b>
			<b>Engine House #37</b>
			<b>Sarah T. Reed High School</b>
MA	Suffolk	Boston (Dorchester)	<b>Metropolitan Community Room</b>
			<b>Catherine F. Clark Apartments</b>
			<b>Cathedral High School</b>
			National Guard Armory
			Richard J. Murphy School
			Cristo Rey Boston High School
			Savin Hill Apartments
			Dorchester House
			Pope John Paul II Catholic Academy Dorchester Central Campus
			Pasciucco Apartments, 330 Bowdoin Street, Spanish/Vietnamese, Ward 15, Precinct 4
			Robert & Theresa Parks Community Building
	Middlesex	Lowell	James Daley School
			Flanagan Development
			Rogers School
			Bailey School
			Morey School
			<b>Senior Center</b>
	Norfolk	Quincy	Atlantic Middle School
			<b>North Quincy High School</b>
			Knights of Columbus Hall
			Beechwood Knoll School
			Wollaston School
MD	Montgomery	Rockville	<b>Richard Montgomery High School</b>
		Silver Spring	<b>White Oak Middle School</b>
MI	Washtenaw	Ann Arbor	<b>Clague Middle School</b>
	Wayne	Canton	<b>Summit on the Park</b>
		Hamtramck	<b>Hamtramck Community Center</b>
		Detroit	<b>Transfiguration Church</b>
	Oakland	Troy	<b>First United Methodist Church</b>

NJ	Bergen	Leonia	Anna C. Scott/All Purpose Rm.
			Recreation Center
			Borough Hall Annex/Sr. Citizen Meeting Room
			Leonia Middle School Gym
		Ridgefield Park	Ryan-Lombardi Towers Sr. Citizen/Comm. Rm.
			Civic Center Nutrition Room
		Bergenfield	Brookside Gardens
			Lincoln School
		Cresskill	Borough Hall
			Firehouse Meeting Room
	Senior Citizen Center		
	Demarest	County Road School	
		Borough Hall Chambers	
	Closter	Tenakill Middle School	
Hillside Elementary School			
Norwood	<b>Norwood Municipal Complex &amp; Comm Center</b>		
Old Tappan	<b>Charles DeWolf Middle School</b>		
Hudson	Jersey City	<b>Brunswick Towers</b>	
		<b>Fire House</b>	
Middlesex	Edison	<b>John Adams Middle School</b>	
NV	Clark	Las Vegas	<b>Seafood City</b>
NY	Brooklyn	Sunset Park	P.S. 169
			J.H.S. 220
			Our Lady of Perpetual Help
			P.S. 105
			<b>PS 314</b>
		Bensonhurst	P.S. 205
			P.S. 186
			P.S. 128
		Kensington	<b>P.S. 230</b>
		Midwood	<b>P.S. 217</b>
	New York	Manhattan	Mott St. Senior Center
			Civil Court
			Rutgers Houses
			Tweed Court
			Southbridge Tower
			P.S. 184M
			Masaryk Towers
			Rafael Hernandez Houses
			P.S. 20
			P.S. 140
<b>Confucius Plaza</b>			
<b>P.S. 131</b>			

	Queens		<b>P.S. 2 (Meyer London)</b>
			<b>P.S. 126</b>
			<b>P.S. 130</b>
		Elmhurst	P.S. 13
			P.S. 102
			P.S. 5
			P.S. 7
			P.S. 89
			<b>Newtown High School</b>
			P.S. 222
		Jamaica	<b>P.S. 131</b>
			J.H.S. 217
			Central Library
			Thomas A. Edison H.S.
			Young Womens Leadership School
		Ozone Park	P.S. 161 Arthur Ashe School
		Richmond Hill	<b>P.S. 64</b>
		Woodside	<b>P.S. 12</b>
			St. Sebastian's School
			CWV Post 870
		Jackson Heights	Lexington School,
			P.S. 152
			<b>P.S. 69</b>
			<b>I.S. 230</b>
		Rego Park	J.H.S. 157
		Flushing	P.S. 120
			<b>P.S. 20 John Bowne</b>
			<b>J.H.S. 189</b>
			<b>P.S. 214</b>
			<b>St. Andrews School</b>
			<b>P.S. 22 Thomas Jefferson</b>
		Astoria	P.S. 234
			P.S. 171 Peter G. Van Alst
			P.S. 85 Judge Charles Vallone
			Queen of Angels Parish Center
		Sunnyside	I.S. 125, Thom J. McCann
			P.S. 199
PA	Bucks	Bensalem	<b>St. Mary Family Resource Center</b>
	Philadelphia	Philadelphia	<b>Thomas Jefferson Alumni Hall</b>
			<b>Chinese Church &amp; Christian Center</b>
			<b>St. George Greek Orthodox Church</b>
			<b>Harrison College House</b>
			<b>Reed Street Presbyterian Apartments</b>



			<b>South Philadelphia High School</b>
TX	Fort Bend	Sugar Land	<b>Barrington Place Homeowners Association</b>
			<b>Sartartia Middle School</b>
	Harris	Houston	<b>Mahanay Elementary School</b>
			<b>Chancellor Elementary School</b>
			<b>Alief Middle School</b>
VA	Fairfax	Arlington	<b>Houston Community College Alief Center</b>
			<b>Fire Station #10</b>
		Annandale	<b>Annandale Fire Station Co., #8</b>
			Fred Packard Station
			Mason Crest Elementary School
		Centreville	Centreville Adult Education Center
			Centre Ridge Elementary School
			Centreville Elementary School
		Fairfax	St. Paul Chung Catholic Church
			Centerpointe Church at Fair Oaks
		Falls Church	<b>Baileys Elementary School</b>
			Woodburn Elementary School
			Westlawn Elementary Schools
			Alan Leis Center at Walnut Hill

## CO-SPONSORS

The following groups helped mobilize over 580 volunteers to conduct the nation's largest Asian American exit poll survey and election monitoring program.

### **National Co-Sponsors**

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 APIA Vote  
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 NAAAP  
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 UMich APALSA/SALSA  
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 of Law APALSA  
 UPenn APALSA

## ENDNOTES

<sup>1</sup> *Shelby County v. Holder*, 133 S. Ct. 1236 (2013).

<sup>2</sup> *Texas v. Holder*, 888 F. Supp. 2d 113, 144 (D.D.C.).

<sup>3</sup> U.S. CENSUS BUREAU, OVERVIEW OF RACE AND HISPANIC ORIGIN: 2010, at 7 (2011), *available at* <http://www.census.gov/prod/cen2010/briefs/c2010br-02.pdf>.

<sup>4</sup> The eleven Asian languages were: Arabic, Bengali, Chinese, Gujarati, Hindi, Japanese, Khmer, Korean, Punjabi, Tagalog, Urdu, and Vietnamese. Volunteers were conversant in thirty-two (32) Asian languages and dialects: Chinese dialects (Cantonese, Fujianese, Mandarin, Shanghainese, Sichuanese, Taiwanese, Teochew, Toisan, Wenzhounese), South Asian languages (Bengali, Farsi, Gujarati, Hindi, Kannada, Malayalam, Marathi, Nepali, Punjabi, Tamil, Telugu, Urdu), Southeast Asian languages (Burmese, Hmong, Indonesian, Khmer, Thai, Vietnamese), Filipino dialects (Ilonggo, Tagalog), Arabic, Japanese, and Korean.

<sup>5</sup> *Reynolds v. Sims*, 377 U.S. 533, 561-62 (1964).

<sup>6</sup> Senate Comm. on the Judiciary Report, July 2, 1992, Voting Rights Act Lang. Assist. Amends. of 1992, Report 102-315, Calendar No. 537, 102nd Congress, 2d Session, at 4.

<sup>7</sup> Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, Pub. L. No. 109-246, 120 Stat. 577 (2006).

<sup>8</sup> Voting Rights Act of 1965, Section 203, 42 U.S.C. Sec. 1973aa-1a (amended 2006).

<sup>9</sup> Hearing of the House Subcomm. on the Constitution, House Judiciary Committee, on the Voting Rights Act: Section 203--Bilingual Election Requirements (Part I), 109th Cong. 35-38 (Nov. 8, 2005) (statement of Margaret Fung, Exec. Dir., AALDEF).

<sup>10</sup> 42 U.S.C. Sec. 1973aa-1a (b) (2) (A), as amended by Section 8 of Pub. L. No. 109-246, 120 Stat. 577 (2006).

<sup>11</sup> The eight Asian language groups are: Chinese, Korean, Vietnamese, Filipino, Bangladeshi, Japanese, "Asian Indian" (which has been designated as Bengali in Queens County, New York and as Hindi in Cook County, Illinois and Los Angeles County, California) and "Other" (which has been designated as Thai in Los Angeles County, California). 76 Fed. Reg. No. 198, 63602-63607 (October 13, 2011) (Notices).

<sup>12</sup> Voting Rights Act of 1965, Title II § 208, 89 P.L. 110 (codified at 52 U.S.C.S § 10508).

<sup>13</sup> Voting Rights Act of 1965, Section 2, 42 U.S.C. Sec. 1973.

<sup>14</sup> *United States v. City of Hamtramck*, Civ. Action No. 00-73541 (E.D. Mich. 2000); *United States v. City of Boston*, Civ. Action No. 05-11598 (D. Mass. 2005).

<sup>15</sup> Voting Rights Act of 1965, Section 5, 42 U.S.C. Sec. 1973(c)(a).

<sup>16</sup> *Shelby County v. Holder*, 133 S. Ct. 1236 (2013).

<sup>17</sup> *Shelby County v. Holder*, 133 S. Ct. 1236 (2013).

<sup>18</sup> HAVA Section 302 (a), (b); (a), (b) (2); (b) (2) (2).

<sup>19</sup> HAVA Section 301 (a) (5).

<sup>20</sup> HAVA Section 101 (b) (1) (G).

<sup>21</sup> 42 U.S.C. § 1973gg (1993), also known as The Motor Voter Act.

<sup>22</sup> Hearing of the House Subcomm. on Civil and Constitutional Rights, House Judiciary Committee, on the Lang. Assist. Provis. of the Voting Rights Act, S. 2236, 102 Cong. Rec. at 12 (Apr. 1, 1992) (statement of Margaret Fung, Exec. Dir., AALDEF); Senate Report 102-315, Calendar No. 537 July 2, 1992, at 12.

<sup>23</sup> For more detailed information about exit poll findings, see AALDEF, *The Asian American Vote 2014: A Report on the Multilingual Exit Poll in 2014*.

<sup>24</sup> Hearing of the Senate Judiciary Committee on the Continuing Need for Section 203's Provisions for Limited English Voters, 109th Cong. (June 13, 2006) (statement of Margaret Fung, Exec. Dir., AALDEF).

<sup>25</sup> Cities and poll sites with large concentrations of Asian American voters were selected based on voter files, census data and interviews with local election officials and community leaders. Sites with a history of voting problems were also selected.

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<sup>26</sup> The survey questionnaire was written in 11 Asian languages: Chinese, Korean, Japanese, Vietnamese, Khmer, Tagalog, Urdu, Bengali, Punjabi, Gujarati, and Arabic, in addition to English. Volunteers were conversant in 41 Asian languages and dialects.

<sup>27</sup> For more detailed information, see <http://www.aaldef.org/docs/AALDEF-AA-Access-to-Democracy-2008.pdf>

<sup>28</sup> <http://aaldef.org/press-releases/press-release/aaldef-complaint-to-doj-voting-rights-violations-in-queens-city-council-district.html>, AALDEF's letter to the Department of Justice available at: <http://aaldef.org/AALDEF%20Letter%20to%20DOJ%20Re%20Racial%20Discrimination%20Against%20Asian%20Americans%20in%20NYC%20Council%20Race%202009.pdf>

<sup>29</sup> <http://aaldef.org/press-releases/press-release/aaldef-to-monitor-asian-american-voting-access-and-conduct-exit-polls-in-philadelphia-boston-and-qui.html>

<sup>30</sup> Cities and poll sites with large concentrations of Asian American voters were selected based on voter files, census data and interviews with local election officials and community leaders. Sites with a history of voting problems were also selected.

<sup>31</sup> The survey questionnaire was written in 11 Asian languages: Chinese, Korean, Japanese, Vietnamese, Khmer, Tagalog, Urdu, Bengali, Punjabi, Gujarati, and Arabic, in addition to English. Volunteers were conversant in 41 Asian languages and dialects.

<sup>32</sup> U.S. v. Philadelphia, No. 2:06cv4592, 2006 WL 3922115 (E.D. Pa Nov. 7, 2006).

<sup>33</sup> The U.S. Supreme Court struck down the coverage formula for Section 5 preclearance, Section 4(b) of the Voting Rights Act, in a 5-4 decision. 570 US \_\_\_\_ (2013).

<sup>34</sup> Civ. No. 1:13-CV-03732 (E.D.N.Y. 2013).

<sup>35</sup> The U.S. Supreme Court struck down Arizona's Proposition 200, the state's restrictive voter registration law, in a 7-2 decision. 133 S.Ct. 2247 (2013)

<sup>36</sup> A preliminary injunction was issued on October 2, 2012, blocking the voter ID law from going into effect for the November 2012 election for voters casting ballots in person. That injunction was extended to cover the May 2013 primary. Preliminary Injunction Order, No. 330 M.D. 2012, Commonwealth Court of Pennsylvania (Oct. 2, 2012). The trial for a permanent injunction began Monday, July 15, 2013.

<sup>37</sup> Following a trial in January 2012, the three-judge district court in Washington, DC denied Section 5 preclearance on August 28, 2012 in a lengthy and mostly unanimous opinion. The court found that the congressional and state redistricting plan both had a retrogressive effect and a racially discriminatory purpose. Texas v. US, Civ. No. 11-1303, (DDC Aug. 28, 2012).

<sup>38</sup> 11 CV5632 (E.D.N.Y. Dec. 27, 2011). AALDEF submitted the Unity Map, its redistricting plan to protect the voting rights of Asian Americans and other communities of color, to the Special Master, including detailed neighborhood maps, ethnic data, and communities of interest surveys.

<sup>39</sup> Limited English proficiency is determined by one's ability to read English less than "very well." U.S. Census Bureau, Census 2000 Summary File 3, Table PCT62D: "Age by Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over" (2001); H.R. Rep. No. 102-655, at 7 (1992), as reprinted in 1992 U.S.C.C.A.N. 766, 771.

<sup>40</sup> An Act Relative to the Preparation of Certain Bilingual Ballots in the City of Boston, Chapter 166 of the Acts of 2014, available at <https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter166>.

<sup>41</sup> Fair Practices Ordinance: Prohibition Against Unlawful Discrimination ("FPO"), PHILA., PA., CODE ch. 9-1100, § 9-1102(e) (2011).

<sup>42</sup> D.C. CODE §§ 2 - 1931-37.